

FEB 14 2018

JAMES N. HATTEN, Clerk
By: *gmm*
Deputy Clerk

United States District Court
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

v.

Hubert NATHANS

CRIMINAL COMPLAINT
Case Number: 1:18-MJ-155
UNDER SEAL

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 14, 2018 in Fulton County, in the Northern District of Georgia, defendant(s) did,

knowingly and intentionally distribute a controlled substance, said act involving a mixture and substance containing a detectable amount of U-4770, a Schedule I controlled substance, in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(C).

I further state that I am a(n) Special Agent with the Drug Enforcement Administration (DEA) and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes



Signature of Complainant
L. Patrick Gray IV

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to before me, and subscribed in my presence

February 14, 2018

Date

JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Nicholas Hartigan / 2018R00100

at Atlanta, Georgia

City and State

Signature of Judicial Officer



AFFIDAVIT IN SUPPORT OF COMPLAINT

I, L. Patrick Gray IV, a Special Agent with the Drug Enforcement Administration (DEA), being duly sworn, do hereby depose, and state as follows:

A. Introduction

1. I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. By this affidavit, I submit that probable cause exists to believe that Hubert NATHANS committed narcotics offenses by knowingly and intentionally distributing a controlled substance, said act involving a mixture and substance containing a detectable amount of U-47700, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

B. Training and Experience

3. I have been a Special Agent of the DEA since January 2011. I received 17 weeks of training in narcotics investigations and related legal matters at the DEA Training Academy in Quantico, Virginia. Following graduation from the DEA Academy, I was assigned to the Washington DC Division Office until March 2016. In March 2016, I was assigned to the Atlanta Field Division Office. Prior to my employment as a Special Agent with the DEA, I was employed as a police officer by the Cobb County Police Department for approximately eight and a half years.

4. During the course of my assignment with DEA, I have conducted investigations into the unlawful possession, importation, possession with the intent to distribute, and distribution of controlled substances, and the associated conspiracies. Through the experience I have gained during my years of criminal investigations including hundreds of interviews I have conducted with defendants, informants, and other witnesses and participants in drug trafficking activity, and additional training I have received, I have become familiar with distribution methods used by narcotics traffickers, including, but not limited to, the methods of importing, packaging, transferring and distributing narcotics, the use of cellular telephones to facilitate drug activity, the use of numerical codes, code words and other methods of avoiding detection by law enforcement,

as well as the types and amounts of profits made by narcotics dealers and the methods, language and terms that are used to disguise the source and nature of the profits from their illegal narcotics dealing. I also am familiar with the ways that drug traffickers conceal, convert, transmit, and transport their drug proceeds, including but not limited to, the use of couriers to transport currency and proceeds, the use of third parties to purchase or hold title to assets, and the use of off-shore accounts.

C. Sources of Information

5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom I have spoken or whose report I have reviewed. Such statements are stated in substance, unless otherwise indicated. Wherever in this affidavit I state a belief, such belief is based upon my training and experience and the information obtained through this investigation.

6. Because this affidavit was prepared for the limited purpose of supporting a complaint against the individual listed herein, I have not

included each and every fact known about this investigation. I have set forth only those facts that I believe are necessary to establish the required basis for a criminal complaint. I do not rely upon facts not set forth herein in reaching my conclusion that a criminal complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this Affidavit in support of the application for a criminal complaint.

D. Factual Summary – Probable Cause Basis

7. In August 2017, the RPD received an anonymous complaint that stated Hubert NATHANS was involved in the distribution of Roxicodone pills, commonly referred to as "Roxy's" or "Smurfs" based on the blue color of the pill. In January 2018, RPD received several other complaints that stated NATHANS was distributing fentanyl, heroin, and pressed pills that resembled Roxicodone, but actually contained fentanyl.

8. On February 14, 2018, RPD utilized a Confidential Source ("CS")¹ to conduct a controlled purchase of three suspected Roxicodone pills using Official Advanced Funds ("OAF"). Prior to the purchase, at law enforcement's instruction, the CS contacted NATHANS via Instagram and requested three Roxicodone pills. NATHANS called the CS from a blocked telephone number

¹ The CS is cooperating with law enforcement in hopes of receiving a reduced sentence for a recent drug arrest. The CS has no felony convictions, but their criminal history includes arrests for theft, drug possession, and fraud.

and asked the CS to meet in at NATHANS' home (2110 Westwind Drive, Roswell, Georgia 30075) to complete the transaction. Law enforcement was present during these calls. RPD officers followed the CS to 2110 Westwind Drive and observed the CS park in front of the residence. RPD officers observed a white Lexus (registered to NATHANS at 2110 Westwind Drive, Roswell, Georgia 30075) parked in the driveway of the residence. Through an audio recording/transmitting device, RPD officers were able to hear the CS make contact with NATHANS at the front door of the residence. The CS left the residence a short time later, met with RPD officers, and turned over the three blue pills marked with "M30" that the CS had purchased from NATHANS.

9. The CS described what happened inside the residence. Specifically, the CS explained that they entered the residence and followed NATHANS into the kitchen. NATHANS removed 3 pills from a plastic bag that contained approximately 20-25 blue pills and gave them to the CS in exchange for the OAF. DEA agents conducted a test on the pills using a TruNarc system. The TruNarc returned a positive result for the presence of U-47700, which is a Schedule I controlled substance. The pills have been placed into evidence at RPD pending their transfer to the GBI crime lab for testing

E. Conclusion

10. Based upon the evidence described above, I believe that there is probable cause to believe the defendant, Hurbert NATHANS, did

knowingly and intentionally distribute a controlled substance, said act involving a mixture and substance containing a detectable amount of U-47700, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FURTHER YOUR AFFIANT SAYETH NOT